IN Purſuance of an Order of the *Houſe of* PEERS of the Ninth Day of *February*, 1715, I do Appoint *Jacob Tonſon* to Print the Whole Proceedings in *Weſtminſter-Hall* againſt *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*; And do forbid any other Perſon to Print the ſame.

COWPER C.

IN Purſuance of an Order of the *Houſe of* PEERS of the Ninth Day of *February*, 1715, I do Appoint *Jacob Tonſon* to Print the Whole Proceedings in *Weſtminſter-Hall* againſt *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*; And do forbid any other Perſon to Print the ſame.

COWPER C.

THE WHOLE

PROCEEDING

TO

JUDGMENT

UPON THE

Articles of Impeachment

OF

HIGH TREASON

Exhibited by the

Knights, Citizens, and Burgeſſes in Parliament Aſſembled, in the Name of Themſelves and of all the Commons of *Great Britain*, againſt *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*,

In *Weſtminſter-Hall*, on *Thurſday* the Ninth Day of *February*, 1715.

Publiſhed by Order of the Houſe of PEERS.

LONDON:

Printed for *Jacob Tonſon* at *Shakeſpear's-Head*, over-againſt *Katharine-Street* in the *Strand*. MDCCXVI.

THE WHOLE

PROCEEDING

In *WESTMINSTER-HALL*,

UPON THE

IMPEACHMENT

AGAINST

James *Earl of* Derwentwater, William *Lord* Widdrington, William *Earl of* Nithiſdale, Robert *Earl of* Carnwath, William *Viſcount* Kenmure, *and* William *Lord* Nairn.

Die Jovis 9 Februarii, 1715.

ABOUT One a Clock the Lords came from their own Houſe into the Court erected in *Weſtminſter-Hall*, to paſs Sentence upon *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*, in the manner following.

The Lord High-Steward's Gentlemen Attendants, two and two.

The Clerks Aſſiſtant to the Houſe of Lords, and the Clerk of the Parliament, with the Clerk of the Crown in the Court of Chancery bearing the King's Commiſſion to the Lord High-Steward.

The Maſters in Chancery, two and two.

Then the Judges.

The Peers Eldeſt Sons, and Peers Minors, two and two.

Four Serjeants at Arms with their Maces, two and two.

The Yeoman Uſhers of the Houſe.

Then the Peers, two and two, beginning with the youngeſt Barons.

Then four Serjeants at Arms with their Maces.

The Serjeant at Arms attending the Great-Seal, and Purſe-Bearer.

Then Garter King at Arms; and the Gentleman-Uſher of the Black Rod, carrying the White Staff before the Lord High-Steward.

The Lord High-Steward alone, his Train born.

When the Lords were placed in their proper Seats, and the Lord High-Steward upon the Wooll-Pack,

The Clerk of the Crown, in the Court of Chancery, ſtanding before the Clerk's Table, with his Face towards the State, having his Majeſty's Commiſſion to the Lord High-Steward in his Hand, made three Reverences towards the Lord High-Steward; and, on his Knee, preſented the Commiſſion to the Lord High-Steward; after which, and uſual Reverences, the ſame was carried down to the Table: And then Proclamation for Silence was made in this manner;

O Yes, O Yes, O Yes! Our Sovereign Lord the King ſtrictly charges and commands all manner of Perſons to keep Silence, upon Pain of Impriſonment.

Then the Lord High-Steward ſtood up, and ſpoke to the Peers.

Lord High-Steward. His Majeſty's Commiſſion is going to be read; your Lordſhips are deſired to attend.

All the Peers uncovered themſelves, and they and all others ſtood up uncovered while the Commiſſion was reading.

GEORGIUS R.

GEORGIUS, Dei Gratia, Magnæ Britanniæ, Franciæ & Hiberniæ Rex, Fidei Defenſor, &c. Prædilecto & Fideli Conſiliario noſtro Willielmo Domino Cowper, Cancellario noſtro Magnæ Britanniæ, Salutem. Cum Jacobus Comes de Derwentwater, Willielmus Dominus Widdrington, Willielmus Comes de Nithiſdale, Georgius Comes de Winton, Robertus Comes de Carnwath, Willielmus Vicecomes Kenmure, & Willielmus Dominus Nairn, coram Nobis in præſenti Parliamento, per Milites, Cives & Burgenſes in Parliamento noſtro Aſſemblat' de alta Proditione per ipſos Jacobum Comitem de Derwentwater, Willielmum Dominum Widdrington, Willielmum Comitem de Nithiſdale, Georgium Comitem de Winton, Robertum Comitem de Carnwath, Willielmum Vicecomitem Kenmure, & Willielmum Dominum Nairn, commiſſ' & perpetrat' in nomine ipſorum Militum, Civium & Burgenſium, & nomine omnium Communium Regni noſtri Magnæ Britanniæ impetiti & accuſati exiſtunt; & ipſi prædict' Jacobus Comes de Derwentwater, Willielmus Dominus Widdrington, Willielmus Comes de Nithiſdale, Robertus Comes de Carnwath, Willielmus Vicecomes Kenmure, & Willielmus Dominus Nairn, coram Nobis in præſenti Parliamento de Proditione prædict' ſe eſſe culpabiles ſeperatim cognoverunt: Nos conſiderantes quod Juſtitia eſt Virtus excellens & altiſſimo complacens, Volenteſque quod prædict' Jacobus Comes de Derwentwater, Willielmus Dominus Widdrington, Willielmus Comes de Nithiſdale, Robertus Comes de Carnwath, Willielmus Vicecomes Kenmure, & Willielmus Dominus Nairn, de & pro Proditione unde ipſi ut præfertur impetit' accuſat' & convict' exiſtunt coram Nobis in præſenti Parliamento noſtro, ſecundum Legem & Conſuetudinem hujus Regni noſtri Magnæ Brittaniæ, & ſecundum Conſuetudinem Parliamenti audiantur, ſententientur & adjudicentur cæteraque omnia quæ in hac parte pertinent debito modo exerceantur & exequantur ac pro eo quod Proceres & Magnates in præſenti Parliamento noſtro aſſemblat' Nobis humilime ſupplicaverunt ut Seneſcallum Magnæ Britanniæ pro hac vice conſtituere dignaremur. Nos de fidelitate, prudentia, provida circumſpectione, & induſtria veſtris plurimum confidentes, Ordinavimus & Conſtituimus vos ex hac Cauſa Seneſcallum Magnæ Britanniæ ad Officium illud, cum omnibus eidem Officio in hac parte debit' & pertinen' (hac vice) gerend' occupand' & exercend' Et ideo vobis Mandamus quod circa præmiſſa diligenter intendatis, & omnia quæ in hac parte ad Officium Seneſcalli Magnæ Britanniæ pertin' & requiruntur hac vice faciatis, exerceatis, & exequamini cum

effectu.

effectu. In cujus rei Testimonium has Literas nostras fieri fecimus Patentes, Teste me ipso apud Westm' Nono Die Februarii, Anno Regni nostri Secundo.

Per ipsum Regem propria Manu Signat'

Wrighte.

Serjeant at Arms. God save the King.

Then the Herald and Gentleman Usher of the Black Rod after three Reverences, kneeling, presented the White Staff to his Grace; and then his Grace, attended by the Herald, Black Rod and Seal-Bearer (making his proper Reverences towards the Throne) removed from the Wooll-Pack to an armed Chair, which was placed on the uppermost Step but one of the Throne, as it was prepared for that purpose, and then seated himself in the Chair, and delivered the Staff to the Gentleman Usher of the Black Rod on his Right Hand, the Seal-Bearer holding the Purse on the Left.

Clerk of the Crown. Serjeant at Arms make Proclamation

Serjeant at Arms. O Yes, O Yes, O Yes! Our Sovereign Lord the King strictly charges and commands all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then another Proclamation was made, as follows.

O Yes, O Yes, O Yes! Lieutenant of the Tower of *London* bring forth your Prisoners to the Bar, according to the Order of the House of Lords to you directed.

Then *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithisdale*, *Robert* Earl of *Carnwath*, *William* Viscount *Kenmure*, and *William* Lord *Nairn*, were all brought to the Bar by the Deputy Governour of the Tower, having the Ax carry'd before them by the Gentleman Jaylor, who stood with it on the Left Hand of the Prisoners, with the Edge turned from him. The Prisoners when they approach'd the Bar, (after kneeling,) bowed to his Grace the Lord High-Steward, and to the House of Peers; which Complement was returned them by his Grace, and the House of Peers

Lord High-Steward. Read the Articles of Impeachment.

ARTICLES *of Impeachment of High Treason exhibited against* James *Earl of* Derwentwater, William *Lord* Widdrington, William *Earl of* Nithisdale, George *Earl of* Winton, Robert *Earl of* Carnwath, William *Viscount* Kenmure, *and* William *Lord* Nairn.

WHEREAS for many Years last a most wicked Design and Contrivance has been formed and carried on, to subvert the ancient and established Government, and the good Laws of these Kingdoms; to extirpate the true Protestant Religion therein Established, and to destroy its Professors; and instead thereof, to introduce and settle Popery and Arbitrary Power; in which unnatural and horrid Conspiracy great Numbers of Persons of different Degrees and Qualities have concerned themselves and acted; and many Protestants, pretending an uncommon Zeal for the Church of *England*, have joined themselves with professed Papists, uniting their Endeavours to accomplish and execute the aforesaid wicked and traiterous Designs:

And

And whereas it pleaſed Almighty God in his good Povidence, and in his great Mercy and Goodneſs to theſe Nations, to Crown the unwearied Endeavours of his late Majeſty King *William* the Third of ever glorious Memory, by making him the Inſtrument to procure the Settlement of the Crown of theſe Realms in the Illuſtrious Houſe of *Hanover*, as the only Means under God to preſerve our Religion, Laws and Liberties, and to ſecure the Proteſtant Intereſt of *Europe*; ſince which happy Eſtabliſhment the ſaid Conſpirators have been indefatigable in their Endeavours to deſtroy the ſame, and to make Way for the vain and groundleſs Hopes of a ſpurious Impoſtor and Popiſh Pretender to the Imperial Crown of theſe Realms.

And to accompliſh theſe Ends, the moſt immoral, irreligious and unchriſtian-like Methods have been taken, but more particularly in the laſt Years of the Reign of the late Queen *Anne*, during which time all imaginable Endeavours were uſed by the ſaid Conſpirators to prejudice the Minds of the Subjects of this Realm againſt the Legality and Juſtice of the ſaid Settlement of the Crown; And for that Purpoſe the Holy Scriptures were wreſted, and the moſt wholſome Doctrines of the Church of *England* perverted and abuſed by Men in Holy Orders, in the moſt publick and ſcandalous Manner, in order to condemn the Juſtice of the late happy Revolution; and thereby to ſap and undermine the Foundation of the ſaid happy Eſtabliſhment; and the moſt notorious Inſtruments of theſe wicked Purpoſes were countenanced by particular Marks of publick Favour and Diſtinction; falſe and dangerous Notions of a ſole Hereditary Right to the Imperial Crown of theſe Realms were propagated and encouraged by Perſons in the higheſt Truſt and Employments, contrary to the ancient, undoubted and eſtabliſhed Laws of theſe Kingdoms; jeſuitical and ſcandalous Diſtinctions were invented and publickly inculcated, to enervate the Force and Obligation of thoſe Oaths which had been contrived in the plaineſt and ſtrongeſt Terms by the Wiſdom of Parliament for the Security of the ſaid Eſtabliſhment; and to conceal their Deſigns, and thereby the better to enable them to carry on the ſame, great Numbers of the ſaid Conſpirators of all Ranks and Conditions, pretending a Zeal for the Proteſtant Succeſſion, openly and voluntarily took the ſaid Oaths; groundleſs Fears of the Danger of the Church of *England* were fomented throughout theſe Kingdoms, to diſorder the Minds of well-diſpoſed Proteſtants.

By all which and many other ſuch ungodly Practices of the ſaid Conſpirators, the moſt cauſeleſs and dangerous Jealouſies and Diſſatisfactions were created in the Minds of the good People of this Kingdom, and great Numbers of well-meaning, but deluded Proteſtants were much diſquieted.

But nevertheleſs theſe diſhoneſt Methods were purſued by the ſaid Conſpirators with indefatigable Induſtry, as the only Means to weaken the Foundations of the ſaid happy Eſtabliſhment.

And whereas the Diſſolution of the late glorious Confederacy againſt *France*, and the Loſs of the Ballance of Power in *Europe*, were further Steps neceſſary to compleat the Deſigns of the ſaid Conſpirators; And the ſame being effected by the late ignominious Peace with *France*, the *French* King was rendred formidable, and the Proteſtant Succeſſion was thereby brought into the moſt imminent Danger; And by theſe and other pernicious Meaſures, the Deſtruction ſo long intended by the ſaid Conſpirators for theſe poor Nations ſeemed near at Hand.

At which Time, and under which moſt deplorable Circumſtances, it pleaſed Almighty God in his infinite Wiſdom to call to himſelf the late Queen *Anne*, and by a Concurrence of many moſt wonderful Providences to give a quiet and peaceable Acceſſion to his preſent moſt Gracious Majeſty to the Throne of his Anceſtors, to which he was received with one full Voice and Conſent of Tongue and Heart, and the united Joy of eve-

ry good Subject and good Proteſtant, as their only lawful and rightful Liege Lord; and altho' from the Moment his Majeſty Aſcended the Throne to this Day, his Reign has been one Series of Wiſdom, Juſtice and Clemency; his Labours Conſtant, Unwearied and Succeſsful to retrieve the Honour and Reputation of theſe Nations; to re-eſtabliſh the Trade and recover the Wealth of his Kingdoms; and although all imaginable Encouragement has been given to the Church of *England*, and all Tenderneſs ſhewn even to his Popiſh Subjects, and his conſtant Care has been to procure the univerſal Good of his People; nevertheleſs the ſaid Conſpirators have, by the moſt vile and impious Methods, renewed their Endeavours to throw theſe Kingdoms into the utmoſt Confuſion, and to entail endleſs Miſeries on us and our Poſterities: For theſe Ends many of the above-mentioned moſt wicked and dangerous Practices have been repeated with the utmoſt Induſtry and Inveteracy, to delude, diſorder, and corrupt the Minds of his Majeſty's good Subjects; the moſt groundleſs Jealouſies have been fomented againſt his wiſe and happy Adminiſtration, and in many Parts of his Kingdoms the moſt unnatural, unexampled Riots and Tumults, by the ſecret and malicious Endeavours of the ſaid Conſpirators, have been procured, ſtirred up, and encouraged againſt his peaceable Proteſtant Subjects, under falſe Pretences of Zeal for the Church of *England*, and thereby more effectually to delude his good Subjects, and ſeduce them from their Allegiance, and prepare them for an open Rebellion.

And the ſaid Conſpirators having at length reſolved to deprive theſe Nations of the invaluable Bleſſings which they now enjoy under the wiſe and gentle Reign of His preſent moſt Gracious Majeſty King *George*, and of the certain Proſpect of Happineſs which they have for their Poſterity, in a Succeſſion of Princes derived from himſelf; did contrive, confederate and reſolve to put their moſt malicious wicked and traiterous Deſigns into immediate Execution; for which purpoſe, *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *George* Earl of *Winton*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*, together with *Thomas Forſter*, Jun. the Lord *Charles Murray*, *Edward Howard*, *Thomas Errington*, *John Clavering*, *William Shaftoe*, Sir *Francis Anderton*, *Ralph Standiſh*, *Richard Townly*, *Thomas Butler*, *Thomas Walton*, *Gabriel Hasket*, *Richard Gaſcoigne*, and diverſe other Perſons, as falſe Traytors to His preſent moſt Sacred Majeſty King *George*, the only lawful and undoubted Sovereign of theſe Kingdoms, having withdrawn their Allegiance, and cordial Love, and true and due Obedience, which they as good and faithful Subjects owed to His ſaid Majeſty, did, in or about the Months of *September*, *October*, or *November* 1715, moſt wickedly, maliciouſly, falſely and traiterouſly imagine and compaſs the Death of His ſaid moſt Sacred Majeſty.

And for the Accompliſhing and Executing their ſaid Traiterous Purpoſe, they the ſaid *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *George* Earl of *Winton*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*, did, in or about the ſaid Months or ſome of them, and at diverſe other Times, and in diverſe Places within this Kingdom, wickedly and traiterouſly agree, confederate, conſpire, and reſolve together, with many other evil-diſpoſed Perſons, to raiſe, excite, and levy within the Counties of *Teviotdale*, *Northumberland*, *Cumberland*, and the County *Palatine* of *Lancaſter*, and elſewhere within this Kingdom, a moſt Cruel, Bloody, and Deſtructive War, againſt his Majeſty, in order to depoſe and murther his Sacred Majeſty, and to deprive him of his Royal State, Crown and Dignity.

And the ſaid *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *George* Earl of *Winton*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, *William* Lord *Nairn*, their Accomplices and Confederates, in or about the Months aforeſaid, in the Counties aforeſaid, or ſome of them, did gather together great Numbers of His Majeſty's Subjects, and with them did aſſemble in a warlike and traiterous Manner, in order to raiſe Tumults

and Rebellion within this Kingdom; and having procured great Quantities of Arms, Ammunition and warlike Inſtruments, at the Times and Places aforeſaid, or ſome of them, did form and compoſe, or did aſſiſt in the Forming and Compoſing an Army of Men, conſiſting of his Majeſty's Liege Subjects, in order to wage War againſt his ſaid Majeſty, for and in behalf and in favour of the ſaid Pretender to the Crown of theſe Realms; And the ſaid laſt mentioned Conſpirators, their Accomplices and Confederates, at the Time and Times and Places aforeſaid, and at divers other Times and Places within this Kingdom, did maliciouſly and traiterouſly make, levy, and raiſe War and Rebellion againſt His moſt Sacred Majeſty, and in a warlike and hoſtile Manner did march thro' and invade ſeveral Parts of this Kingdom, and did unlawfully take and ſeize the Horſes and other the Goods and Chattels of many of the peaceable and good Subjects of His Majeſty, and in other Places did take and ſeize, from his Majeſty's faithful Subjects, Guns, and other warlike Inſtruments, for the carrying on their traiterous Purpoſes.

And the ſaid laſt mentioned Conſpirators, their Complices and Confederates, during their March and Invaſion aforeſaid, in open Defiance of His moſt Sacred Majeſty's juſt and undoubted Title to the Imperial Crown of theſe Realms, did wickedly and traiterouſly Cauſe and Procure the ſaid Pretender to be proclaimed, in the moſt publick and ſolemn Manner, as King of theſe Realms; and in ſeveral Places in the Counties aforeſaid, or ſome of them, did unlawfully take and ſeize from His Majeſty's Officers of the Revenue the publick Mony, for the Uſe and Service of the ſaid Pretender; and tho' many of the Conſpirators are avowed Profeſſors of the Popiſh Religion, yet the more effectually to cover and diſguiſe their moſt wicked and traiterous Deſigns, and to delude His Majeſty's Subjects, they did prevail on and procure ſeveral Men in Holy Orders, Miniſters of the Church of *England*, and who had before that time abjured the ſaid Pretender, to Accompany, Countenance and Abet the ſaid moſt traiterous Enterprize, and in ſeveral Places in the Counties aforeſaid, where the ſaid Conſpirators, their Complices and Confederates then were, to pray for the ſaid Pretender in the publick Churches, as King of theſe Realms.

That the ſaid laſt mentioned Conſpirators, their Accomplices and Confederates, did, on or about the Ninth, Tenth, Eleventh, Twelfth or Thirteenth of *November* aforeſaid, Traiterouſly ſeize and poſſeſs themſelves of the Town of *Preſton* in the County *Palatine* of *Lancaſter* againſt His Majeſty, and did then and there in a warlike and hoſtile Manner levy War, Oppoſe, Engage and Fight againſt His Majeſty's Forces; and did then and there cauſe and procure a Miſerable and horrid Slaughter and Murther of many of His Majeſty's faithful Subjects.

All which Treaſons and Crimes abovementioned were Contrived, Committed, Perpetrated, Acted and Done, by the ſaid *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *George* Earl of *Winton*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, *William* Lord *Nairn*, and other the Conſpirators aforeſaid, againſt Our Sovereign Lord the King, His Crown and Dignity; and contrary to the duty of their Allegiance, and againſt the Laws and Statutes of this Kingdom.

Of all which Treaſons and Crimes, the Knights, Citizens and Burgeſſes in Parliament Aſſembled, do, in the name of themſelves and of all the Commons of *Great Britain*, Impeach the ſaid *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *George* Earl of *Winton*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, *William* Lord *Nairn*, and every of them.

And the ſaid Commons by Proteſtation ſaving to themſelves the liberty of exhibiting at any time hereafter any other Accuſations or Impeachments againſt the ſaid *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *George* Earl of *Winton*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*, or any of them; and alſo of Replying

plying to the Anſwers which the ſaid *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *George* Earl of *Winton*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*, or any them, ſhall make to the Premiſſes, or any of them, or to any Impeachment or Accuſation that ſhall be by them Exhibited according to the courſe and proceedings of Parliament; And do pray that the ſaid *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *George* Earl of *Winton*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*, be put to Anſwer all and every the Premiſſes; And that ſuch Proceedings, Examinations, Tryals and Judgments may be upon them and every of them had and uſed as ſhall be agreeable to Law and Juſtice.

Lord High Steward. Clerk of the Parliament, read the Record of the Anſwers and Pleas of the Lords the Priſoners at the Bar to the Impeachment.

Die Jovis 19 Januarii, 1715.

THE Order of the Day being read, for bringing *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *George* Earl of *Winton*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*, to this Houſe, in order to their putting in their ſeveral Anſwers to the Articles of Impeachment of High Treaſon Exhibited againſt them by the Houſe of Commons:

The ſaid Earl of *Derwentwater* was brought to the Bar by the Gentleman Uſher of the Black-Rod, where he kneeled until the Lord Chancellor directed him to riſe; and his Lordſhip acquainted him with the abovementioned Order, and demanded of him if he was ready to put in his Anſwer, which he ſaid he was, and delivered the ſame at the Bar.

Which Anſwer of the ſaid Earl of *Derwentwater* was read, and is as follows.

The Anſwer of James *Earl of* Derwentwater, *to the Articles of Impeachment of High Treaſon exhibited againſt him by the Honourable the Knights, Citizens, and Burgeſſes of* Great Britain *in Parliament Aſſembled.*

TO a Charge of ſo high and heinous a Nature the ſaid Earl cannot Anſwer without the deepeſt Concern and Affliction, which becomes more weighty from the Share the Honourable Houſe of Commons have been pleaſed to take in the Accuſation; He aſſures himſelf however, that Great Aſſembly doth not engage in the Proſecution of an Offence, ſo open to Conviction in the ordinary Courſe of Law, with deſign to intercept that Mercy which the Earl, from the Report of His Majeſty's natural Goodneſs, had reaſon to expect. It would be a Thought unworthy any Member of that Auguſt Body, to imagine he could have the leaſt deſire of ſpilling the Blood of any of his Fellow-Subjects, whom his Majeſty's great Wiſdom ſhould think a fit Object of his Mercy; the ſaid Earl therefore hopes that his Proſecution is taken out of the common Courſe of Juſtice, with Intentions that if in his particular Caſe there ſhall appear any Circumſtances inducing Favour or Compaſſion, both your Lordſhips and the Commons may be Interceſſors with his Majeſty for Grace towards him; whereby the Exerciſe of the Royal Mercy, upon which the Earl depended (which amongſt all the Virtues of the Crown moſt endears a Monarch to the Love and Affection of his People) may be extended in ſuch Manner as may demonſtrate that Clemency for which his Majeſty is ſo greatly renowned, and not encourage any to Offend upon the Preſumption of it for the future. The ſaid Earl Acknowledges, with a real Sorrow, that at the time in the Articles mentioned he was in Arms, and with others did March through and invade ſeveral Parts of this Kingdom; and Confeſſes *he is thereby guilty of the Offence wherewith he*

is charged in the ſaid Articles. But if any Offence of that kind was ever attended with Circumſtances which might move Compaſſion, the ſaid Earl hopes he may be intitled to it: He begs Leave to inform your Lordſhips, That his Temper and Inclination diſpoſed him to live peaceably under His Majeſty's Government, and he never had the leaſt Prejudice or Malice againſt his Perſon, nor was he ever heretofore concerned in or privy to any Deſign or Contrivance to ſubvert or diſturb the Eſtabliſhed Government, the Laws or Religion of this Kingdom; and if any Methods were taken by others to accompliſh any of thoſe Ends, he was abſolutely a Stranger to them; nor did he now Engage in this Unhappy Undertaking upon any previous Concert or Contrivance for any ſuch purpoſe; but being Young and Unexperienced, he raſhly, and without any Deliberation, engaged himſelf to meet at *Plainefield* in *Northumberland*, on Aſſurance that many of his Relations and Acquaintance would appear there; that his Undertaking was ſudden, appears in that he engaged in it without any previous Preparation of Men, Horſes, Arms, or other Warlike Accoutrements; and as the ſaid Earl cannot be juſtly reproached with any Cruel, Severe, or Harſh Action during the Continuance in Arms, ſo he took the firſt Opportunity that offered of ſubmitting to the King's Mercy. After the ſudden Skirmiſhes at *Preſton*, the ſaid Earl, with others, was ſollicitous to prevent any further Deſtruction of the Lives of his Majeſty's Subjects, and inſtrumental to induce all in Arms to ſubmit themſelves to the King, provided they might be ſecured of their Lives. One of his Majeſty's Officers, ſent from the General, gave them Encouragement to believe, that the Surrender of themſelves would be the ready way to obtain the King's Mercy: In Confidence whereof, when a Ceſſation was agreed on, the ſaid Earl offer'd himſelf to become one of the Hoſtages for them till the next Morning, in which time he received further Aſſurances from the Officers, that the King was a Prince of known Clemency; that this was a diſtinguiſhing part of his Character, and that the free Surrender to Mercy would be the moſt proper means to obtain it. The ſaid Earl believes his Majeſty's Officers were very ſenſible, and will be ſo juſt as to acknowledge, that it had not been impracticable for many of thoſe at *Preſton* to make their way through his Majeſty's Forces; but this Attempt muſt have occaſioned the loſs of many Lives, and might have been productive of ill Conſequences to the Government, which the ſaid Earl was deſirous to prevent; and when the time agreed on for the Ceſſation was near expired, and General *Wills* ſeemed uneaſie in not having received any Meſſage from thoſe in the Town, the ſaid Earl writ a Letter to exhort them to ſurrender to the King's Mercy; and at the ſame time declared to the ſaid General, and other Officers, that whatever happened, he was determined to continue with them, and rely entirely on his Majeſty's Clemency and Goodneſs, which he had Encouragement to expect; and in ſuch Circumſtances the ſaid Earl cannot diſtruſt your Lordſhips or the Commons readineſs, to uſe their Mediation for Mercy on his behalf, which will lay him under the higheſt Obligations of Duty and Affection to his Majeſty, and perpetual Gratitude to both Houſes of Parliament.

Derwentwater.

The Material Words of which Anſwer appearing not to be ſufficiently expreſs and clear, the Lord Chancellor asked the ſaid Earl if he meant by the ſaid Anſwer to plead Guilty to the High-Treaſon in the ſaid Articles of Impeachment contain'd.

He ſaid he did, and ſubmitted to the King's Mercy, and humbly deſired their Lordſhips Interceſſion to his Majeſty; and his ſaid Anſwer and Plea was Recorded accordingly.

And he withdrew.

Then the Lord *Widdrington* was brought to the Bar, and having there alſo kneeled, was acquainted by the Lord Chancellor with the aforementioned Order, and ask'd the ſame Queſtion as the Earl of *Derwentwater*; and he likewiſe delivered in his Anſwer, which was read as follows: *The*

The Anſwer of William *Lord* Widdrington *to the Articles of Impeachment of High Treaſon Exhibited againſt him by the Honourable the Knights, Citizens, and Burgeſſes of* Great Britain *in Parliament aſſembled.*

IT is with inexpreſſible Concern and Affliction the ſaid Lord appears before this Auguſt Aſſembly charged with Crimes of the moſt heinous Nature; and though it is Natural to Mankind to endeavour to conceal their Guilt, and make uſe of all manner of Defence, eſpecially in the caſe of Life, yet as he ſurrendred himſelf at *Preſton*, intirely relying on his Majeſty's Mercy, ſo he is now reſolved not to take any Meaſures which may argue the leaſt Diffidence of that Mercy, or of your Lordſhips Goodneſs; and therefore the ſaid Lord confeſſes he is Guilty of the Treaſon wherewith he is charged in the ſaid Articles; and after having thus freely acknowledged his Offence, he begs leave to lay his Caſe before your Lordſhips, and humbly hopes when the particular Circumſtances are conſidered, it will not be thought to Merit the moſt rigorous Puniſhment, but that both your Lordſhips, and the Honourable Houſe of Commons, will look upon him as a proper Object of his Majeſty's Clemency; and he humbly hopes he may not be thought the leſs unworthy of Favour, in that he never before Offended, nor was at any time privy to, or acquainted with any Deſign or Contrivance to deſtroy or diſturb the Eſtabliſhed Government, the Laws or Religion of this Kingdom, but came unawares into this ſudden and unpremeditated Action; for although he had met with Publick Rumours and Reports of intended Invaſions from Abroad, and Inſurrections at Home, yet he never knew, or any other way heard of any formed Deſign againſt the Government, till he was told the Night before of a Meeting intended at *Plainfield* in *Northumberland* on the Sixth of *October* laſt; and being ſoon after informed, that almoſt all his Neighbours and Acquaintance had there met in Arms, he took a haſty and inconſiderate Reſolution of joining them; nor was he in any ſort prepared for ſuch an Undertaking, having only ſome of his own Family with him, no Arms but his common Fowling-Pieces and wearing Swords, and fewer Horſes than he had conſtantly kept for ſeveral Years before; and nothing but the Report of ſo many of his Friends being engaged could have hurried him on to an Enterprize ſo unaccountably Raſh and Unjuſtifiable; and he is willing to hope your Lordſhips will eſteem it ſome Alleviation of his Crime, that in a Commotion of that Nature there was ſo little Violation of the Rights and Properties of thoſe who oppoſed them; for he believes few Inſtances can be found, where ſuch a Multitude continued ſo long in Arms without doing greater Acts of Violence and Injuſtice. The ſaid Lord cannot charge himſelf with any injurious Acts to the Property of his Fellow-Subjects, and endeavoured to prevent them in others; and hopes it was thence owing in ſome Meaſure, that there was ſhown all along greater Marks of Moderation and Humanity, than is common in ſuch a Warlike and Hoſtile Proceeding. The Suddenneſs of the Attack at *Preſton*, without any previous Summons, admitted no time for mediating a Submiſſion before the loſs of that Blood which was there unfortunately ſpilt; but after the Heat and Surprize of the firſt Action was over, a Ceſſation of Arms was deſired, and upon the mutual Meſſages which then paſſed, the Officers ſent from the General encouraged them to believe the ſurrendring themſelves would be the ready way to obtain the King's Mercy, and gave them repeated Aſſurances, that they ſubmitted to a Prince of the greateſt Clemency in the World: Upon theſe Hopes and Aſſurances they made a general Surrender of themſelves to the King; and the ſaid Lord may juſtly take notice to your Lordſhips, that as he was the laſt who took up Arms, ſo he was the firſt who procured a Meeting of the Chief Perſons among them, in order to lay them down; and cannot doubt but your Lordſhips, and the Honourable Houſe of Commons, will think it equitable to make ſome Diſtinction between an obſtinate Reſiſtance and an early and humble Submiſſion, whereby the Peace

and Tranquility of this part of his Majeſty's Dominions was intirely reſtored. Nature muſt have ſtarted at yielding themſelves up to a certain and ignominious Death, when it muſt be acknowledged that it was not impracticable for many of them to have eſcaped; and it was poſſible ſo great a Number grown deſperate might have obtained further Succeſs, and thereby prevented the ſo ſpeedy ſuppreſſing that Inſurrection; but the ſaid Lord, and the reſt, having with the utmoſt Confidence relied on the Aſſurances of his Majeſty's great Clemency, and the hopes of Mercy, which had been given them from the Officers who commanded the Royal Forces, he is encouraged with great Earneſtneſs to implore the Interceſſion of your Lordſhips, and the Honourable Houſe of Commons, with his Majeſty, for that Mercy on which they wholly depended; and as he doth not know where Mercy was refuſed to thoſe who ſo early and with ſo much Reſignation ſubmitted to it, ſo he humbly hopes your Lordſhips may be induced to think, that the Exerciſe of this Divine Virtue by his Majeſty towards thoſe who caſt themſeves at his Royal Feet upon the ſole Proſpect and Expectation of it, will appear no leſs Glorious to his Majeſty, and prove no leſs Advantageous to the future Quiet and Tranquility of his Government, than any Examples of Juſtice in ſuch a Caſe can be likely to do: And whatever Marks of Goodneſs and Favour his Majeſty ſhall vouchſafe to the ſaid Lord, will not fail to engage him by the ſtrongeſt Tyes of Gratitude, to demonſtrate in the future courſe of his Life the moſt conſtant and inviolable Duty to his Majeſty, and the moſt real Eſteem and Veneration for your Lordſhips and the Honourable Houſe of Commons.

Widdrington.

And the ſaid Lord *Widdrington* being asked if he had any thing further to ſay, he begg'd to be excuſed all Imperfections in his ſaid Anſwer, ſaid he had been indiſpoſed with the Gout in his Stomach, and was not able to employ himſelf in preparing his Anſwer till laſt Night, and finiſhed it but this Morning, and humbly implored their Lordſhips Interceſſion to his Majeſty for Favour and Mercy; and his Anſwer and Plea was Recorded accordingly.

And he withdrew.

Then the Earl of *Nithiſdale* was brought to the Bar, and having there likewiſe kneeled was acquainted with the forementioned Order, and asked the ſame Queſtion as the Earl of *Derwentwater*; and he alſo delivered in his Anſwer, which was read as follows.

The Anſwer of William *Earl of* Nithiſdale, *to the Articles of Impeachment of High-Treaſon Exhibited againſt him by the Honourable the Knights, Citizens, and Burgeſſes of* Great Britain *in Parliament Aſſembled.*

IT is with the utmoſt Confuſion the ſaid Earl appears at your Lordſhips Bar, under the Weight of an Impeachment by the Commons of *Great Britain* for High Treaſon; he humbly begs Leave, in Extenuation of his Crime, to aſſure your Lordſhips that he was always a zealous Aſſerter of the Liberties of his Country, and never engaged in forming or carrying on any Deſign to ſubvert the ancient Eſtabliſhed Government and the good Laws of this Kingdom; but being Summoned by thoſe entruſted with the Adminiſtration of the Government in *Scotland* to appear at *Edinburgh*, and being aſſured if he went thither he ſhould be made cloſe Priſoner, he did not obey the Summons; but in all humble Manner applied for their Indulgence in diſpenſing with his being committed to Goal, offering to give any Bail for his peaceable and quiet Behaviour; which being refus'd, and being at that time in ſo ill a State of Health, that a Confinement in *Edinburgh* Caſtle would have endangered his Life, he was forced to abſcond, and kept private 'till ſeveral of the Perſons mentioned in the ſaid Impeachment, with many other of his Neighbours, appeared in Arms very near the Place where the ſaid Earl lay concealed; and then he inconſiderately and unfor-

unfortunately (with four of his Domeſticks and no other Perſon whatſoever) joined them, and proceeded in their Company to the Places in the ſaid Articles of Impeachment mentioned; but he knew nothing of the intended Inſurrection 'till they were actually in Arms. The ſaid Earl is deeply ſenſible of his great Offence, and not affecting Delay, nor being willing to give your Lordſhips or the Honourable Houſe of Commons any unneceſſary Trouble; He does with a Sorrow, equal to his Crime, confeſs that he is Guilty of the Treaſon in the ſaid Articles of Impeachment contained, and throws himſelf at his Majeſty's Feet, imploring his Royal Mercy; and to incline His Majeſty thereto, and induce your Lordſhips to recommend him as an Object thereof, he begs Leave to inform your Lordſhips, that when he, and the reſt that were with him at *Preſton*, had engaged in a Battle, a Ceſſation of Arms being agreed to, they had Intimations from His Majeſty's Officers, that if they ſubmitted, they might expect the King's Mercy; and Hiſtory abounding with Inſtances of Conditions ſtipulated with Generals, even with Rebels, and afterwards agreed to, and confirmed by their Sovereigns, they were prevailed on by ſuch Encouragement, together with the Conſideration of His Majeſty's known Clemency, to ſurrender themſelves Priſoners, whereby the Lives of great Numbers of His Majeſty's good Subjects were ſaved, which by an obſtinate Reſiſtance would inevitably have been deſtroyed; and therefore he moſt humbly begs your Lordſhips would be pleaſed to repreſent his Caſe to his Majeſty in the moſt favourable Manner; not doubting but by your Lordſhips powerful Interceſſion, he ſhall find, that as he performed the Duty of a good Chriſtian, in concurring to prevent the Effuſion of Blood; ſo he acted the Part of a wiſe Man in relying upon a Mercy ſo extenſive as that of his Majeſty: And he preſumes, when the Honourable Houſe of Commons are apprized of the Nature of his Caſe, they will not interpoſe to prevent him from having a Share in the Benefit of that Mercy.

Nithiſdale.

And the ſaid Earl of *Nithiſdale* being asked if he had any thing further to ſay, he ſaid he had nothing, but to implore the King's Mercy; and his Anſwer and Plea was recorded accordingly And he withdrew.

Then the Earl of *Carnwath* was brought to the Bar, and having there likewiſe kneeled, was acquainted by the Lord Chancellor with the forementioned Order, and asked the ſame Queſtion as the Earl of *Derwentwater*

He ſaid he had no Anſwer in Writing, but deſired to throw himſelf on the King's Mercy, and humbly implored their Lordſhips Interceſſion to his Majeſty on his behalf; and aſſured the Houſe, if the ſame were granted, he ſhould think himſelf obliged to live under the ſtricteſt Tyes of Loyalty to his Majeſty; and as to the ſaid Articles, he ſaid he was Guilty of the High-Treaſon contained in the ſaid Articles of Impeachment againſt him; and the ſaid Plea was recorded accordingly. And he withdrew.

Then the Viſcount *Kenmure* was brought to the Bar, and having there kneeled alſo, was acquainted by the Lord Chancellor with the forementioned Order, and asked the ſame Queſtion as the Earl of *Derwentwater.*

He ſaid he had no Anſwer in Writing, but was Guilty of the Charge of High-Treaſon contained in the Articles of Impeachment againſt him, and begged the Houſe would intercede with his Majeſty for Mercy; and his Plea was recorded accordingly. And he withdrew.

Then the Lord *Nairn* was brought to the Bar, and having there alſo kneeled, was acquainted by the Lord Chancellor with the forementioned Order, and ask'd the ſame Queſtion as the Earl of *Derwentwater.*

He ſaid he threw himſelf upon the King's Mercy, and begged the Interceſſion of this Houſe to his Majeſty; and as to the Articles of Impeach-

ment

ment exhibited againſt him, he ſaid he was Guilty of the High-Treaſon contained in the ſaid Articles; and his Plea was recorded accordingly

Then he delivered in a Petition at the Bar, and the ſame was read as follows.

To the Right Honourable the Lords Spiritual and Temporal in Parliament Aſſembled.

The Humble Petition of William *Lord* Nairn,

Sheweth,

THAT your Petitioner was educated, and hath always continued a Proteſtant, according to the Diſcipline of the Church of *England*; and tho', by reaſon of ſome miſtaken Principles he unwarily imbibed in his tender Years, he did not in all reſpects conform to the late Revolution, lying under the leſs Neceſſity, for that he had married an Heireſs, in whom all the Right of your Petitioner's Eſtate is inveſted; and tho' he never took the Oaths, yet he always peaceably ſubmitted to, and lived quietly under the Government as by Law Eſtabliſhed, until the breaking out of this Rebellion, in which your Petitioner was inadvertently involv'd, but not before the Lord *Mar*, and his Adherents, had for a conſiderable time made themſelves Maſters of *Perth* and *Dunkeld*, and thereby ſurrounded your Petitioner's whole Eſtate, and came to your Petitioner's Houſe, lying in the middle between thoſe places.

Your Petitioner heartily repents of this raſh Undertaking, and ſolemnly declares he knew nothing of any previous Conſultations, or Conſpiracies, in favour of the Pretender, before he actually appear'd in Arms; nor knew any thing about croſſing the *Forth*, until the Morning he was ſent over under *Macintoch*'s Command; and then was ſo far from approving of that Expedition, that tho' to avoid the Imputation of Cowardice he wou'd hazard his own Perſon therein, your Petitioner ordered back all his Dependents, and was only attended by his Son, and four Servants, who would not leave him in a time of Danger, tho' often deſired; nor was your Petitioner privy to any Deſigns of Marching into *England*, for having been bred a Seaman, he had no Pretenſions to Knowledge in the Land Service.

Your Petitioner being now ſenſible of his Errors, hath pleaded Guilty to the Articles of Impeachment of High-Treaſon exhibited againſt him by the Honourable Houſe of Commons, and thrown himſelf at his Majeſty's Feet; humbly beſeeching your Lordſhips, in Commiſeration of the deplorable Circumſtances of your Petitioner, and his Twelve Children, to recommend him to his Majeſty for that Mercy, which at the time of his Surrender he was made to believe he might reaſonably expect.

This will lay your Petitioner and his Poſterity under the greateſt Obligations of Duty and Gratitude to his Majeſty, and bind them for ever to bleſs your Lordſhips as the merciful Inſtruments of procuring ſuch a Gracious Deliverance.

And your Petitioner ſhall ever pray, &c.

NAIRN.

And being asked if he had any thing further to ſay, he ſaid he had not, and withdrew.

Lord

Lord High-Steward. My Lords, that are the Priſoners at the Bar, I am to acquaint your Lordſhips, that upon any Occaſion which ſhall be offered you to ſpeak for your ſelves, you are to direct your Speech to the Lords in general; and ſo is any other Perſon that ſhall have occaſion to ſpeak to this Court.

Lord High-Steward. *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*, You ſtand Impeached of High-Treaſon by the Commons of *Great-Britain* in Parliament aſſembled; which Treaſon is contain'd in the Articles that have been lately read; to this you have ſeverally pleaded Guilty, and are thereby Convicted. What ſay you, *James* Earl of *Derwentwater*, why Judgment ſhould not paſs upon you according to Law?

Earl of Derwentwater. I Only humbly beg leave of my Noble Peers to repeat a few Circumſtances mentioned in my Anſwer to the Articles of Impeachment exhibited againſt me by the Honourable Houſe of Commons.

But the Terrors of your Lordſhips juſt Sentence, which at once deprive me of my Life and Eſtate, and compleat the Misfortunes of my Wife and innocent Children, are ſo heavy upon my Mind, together with my Unexperience, that I am ſcarce able to alledge what may extenuate my Offence, if any thing can do it. I have confeſt my ſelf Guilty; but, my Lords, that Guilt was raſhly incurred without any Premeditation, as I hope your Lordſhips will be convinced by one Particular: I beg leave to obſerve, I was wholly unprovided with Men, Horſes, Arms, and other Neceſſaries, which in my Situation I could not have wanted, had I been privy to any formed Deſign: As my Offence was ſudden, ſo my Submiſſion was early; when his Majeſty's Generals thought fit to demand Hoſtages for ſecuring the Terms of the Ceſſation, I voluntarily offered my ſelf, without which the Ceſſation might poſſibly have proved ineffectual: And whilſt I continued Hoſtage, the great Character of his Majeſty's Clemency, and the repeated Encouragement I had to hope for Mercy, by ſurrendring to it, ſoon determined me, and I accordingly declared my Reſolution to remain with his Majeſty's Forces, and from that time ſubmitted my ſelf to his Goodneſs, on which I ſtill entirely depend. I humbly hope to obtain the Mediation of your Lordſhips, and of the Honourable Houſe of Commons, in my behalf; ſolemnly proteſting my future Conduct ſhall ſhow me not altogether unworthy your Generous Compaſſion for my Life, which is all I can beg of his Majeſty.

Lord High-Steward. My Lord *Derwentwater*, your Lordſhip's Voice hath not been perfectly heard to this end of the Court, therefore I ask you whether you have pleaded any thing in Arreſt of Judgment.

Lord Derwentwater. No, my Lords.

Lord High-Steward. Lord *Widdrington*, what have you to ſay for your ſelf why Judgment ſhould not paſs upon you according to Law?

Lord Widdrington. MY Lords, I have abandoned all manner of Defence ever ſince I firſt ſurrendered my ſelf to his Majeſty's Royal Clemency, and only now beg leave to repeat to your Lordſhips ſome Circumſtances of my unhappy Caſe, which I have already ſet forth in my Anſwer.

Your Lordſhips ſee before you an unfortunate Man, who after leading a private and retired Life for many Years, has by one raſh and inconſiderate Action expoſed himſelf and his Family to the greateſt Calamities and Miſery, and is now upon the point of receiving the ſevereſt Sentence directed by any of our *Engliſh* Laws.

I do proteſt to your Lordſhips, that I was never privy to any concerted Meaſures againſt his Majeſty's Royal Perſon, or the eſtabliſhed Government: As to the Inſurrection in *Northumberland*, I only heard of it accidentally the Night before it happened, and being ſoon after informed that all my Neighbours and Acquaintance had met in Arms, a crowd of confuſed and miſtaken Notions hurried me at once into a precipitate Reſolution of joyning them; a Reſolution, which, I muſt own, I could never ſince calmly reflect upon without part of that Confuſion I find my ſelf under in the publick Acknowledgement of ſo much Raſhneſs and Folly. After thus plunging out of my Depth, as unprepared for ſuch an Enterprize as the Action was unpremeditated, I cannot for my own particular, upon the ſtricteſt Recollection, charge my ſelf with any Violation of the Properties of my Fellow-Subjects: But on the contrary, I always endeavour'd to encourage Humanity and Moderation during the whole courſe of our miſerable Expedition; and in order to make the beſt Atonement in my Power for the great Fault I had been Guilty of, I can juſtly ſay, that I was in no ſmall Degree inſtrumental in procuring a general Submiſſion to his Majeſty. But, my Lords, however willing or deſirous, either I or any others might be to put a ſpeedy End to thoſe unfortunate Troubles; Self-preſervation, the firſt and moſt powerful Law of Nature, would have rendred the Propoſal vain and fruitleſs, had not the Officers who commanded the Royal Forces given us Hopes of Mercy, and aſſured us we ſubmitted to a Prince of the greateſt Clemency in the World. Theſe Hopes, and this Aſſurance, anſwered the ſtrongeſt Objections, overcame all remaining Difficulties, and gave the finiſhing Stroke to a general Surrender, whereby the further Effuſion of *Britiſh* Blood was prevented, and a perfect Tranquility reſtored to theſe Parts of his Majeſty's Dominions.

My Lords, as this my firſt Attempt was raſh and unpremeditated, as I always uſed and promoted Moderation and Humanity towards my Fellow-Subjects, and as I did not obſtinately perſiſt in my Fault, but was the firſt who propoſed an early Submiſſion to his Majeſty, I humbly hope my unhappy Caſe, and the deplorable Condition of my unfortunate Children, already deprived of their tender Mother, will raiſe a generous Compaſſion in your Lordſhips, and the Honourable Houſe of Commons; and I moſt earneſtly entreat both your Lordſhips, and that Honourable Houſe, to become Interceſſors with his Majeſty in my behalf, for that Mercy which I was encouraged to hope for when I firſt ſurrendred, and which I have ever ſince with the utmoſt Confidence relied upon.

I have only to add my moſt Solemn Aſſurance before this Auguſt Aſſembly, that no future time ſhall ever find me wanting in the moſt inviolable Duty and Gratitude to that merciful Prince who gives me my Life, and reſtores a Father to five miſerable and diſtreſſed Orphans; and I ſhall always retain the higheſt Eſteem and Veneration for your Lordſhips and the Honourable Houſe of Commons.

Lord High-Steward. Lord *Widdrington*, for greater certainty I ask your Lordſhip whether you have pleaded any thing in Arreſt of Judgment.

Lord Widdrington. No, my Lords, I have not.

Lord High-Steward. *William* Earl of *Nithiſdale*, what hath your Lordſhip to ſay for your ſelf why Judgment ſhould not paſs upon you according to Law?

Lord Nithiſdale. MY Lords, I have confeſſed my ſelf Guilty, relying only on His Majeſty's Mercy; and I beg leave to aſſure your Lordſhips I was never privy to any Plot or Deſign againſt His Majeſty's Perſon or Government, and was unprovided with any Neceſſaries for ſuch a Purpoſe; but raſhly and inconſiderately, with only four of my Servants, joined thoſe who appeared in Arms in my Neighbourhood, and was one of the laſt who went unto them.

At *Preſton*, my Lords, His Majeſty's Generals gave great Hopes and Encouragement to believe that Surrendering to His Majeſty's Mercy was the ready way to obtain it, with repeated Aſſurances that His Majeſty was a Prince of the greateſt Clemency.

Upon thoſe Hopes and Aſſurances I ſubmitted my ſelf, and ſtill entirely depend on His Majeſty's Goodneſs, earneſtly beſeeching your Lordſhips and the honourable Houſe of Commons, to intercede with His Majeſty on my Behalf.

And I ſolemnly promiſe your Lordſhips I ſhall, during the remainder of my Life, pay the utmoſt Duty and Gratitude to His Moſt Gracious Majeſty, and the higheſt Veneration and Reſpect to your Lordſhips and the honourable Houſe of Commons.

Lord High-Steward. I muſt alſo ask your Lordſhip (your Lordſhip's Voice not reaching thus far) whether you have pleaded any thing in Arreſt of Judgment.

Lord Nithiſdale. No, my Lords, I have not.

Lord High-Steward. Lord *Carnwath*, what have you to ſay for your ſelf why Judgment ſhould not paſs upon you according to Law?

Lord Carnwath. MY Lords, I ſhall not trouble this Great Aſſembly with a Repetition of what I ſaid, when formerly before your Lordſhips and his Majeſty's Council.

I hope theſe Noble Lords entertain that favourable Opinion of my ſincere Dealing then, as to believe that want of Experience and Knowledge of the Laws was the great Inducement of engaging me in this fatal and unhappy Undertaking.

The only thing I can hope or wiſh for is his Majeſty's Mercy; He has the Character of a merciful Prince: Should it pleaſe him to think me a proper Object for it, (tho' I muſt confeſs my ſelf a very unworthy one) all I can ſay, my Lords, is, that the Remainder of my Life ſhall convince his Majeſty, and all the World, of my true Penitence and Gratitude.

My Lords, I am yet an unworthy Member of this great Body, the Peerage, now expecting your Lordſhips Judgment as to Life or Death: Should it be for Life, my Demeanour and Carriage for the future will be ſuch, as none of your Lordſhips ſhall be aſham'd of having ſhew'd me Compaſſion; But ſhou'd it be for Death, God's Will be done; To my laſt Hour I ſhall pray for the Nation's and your Lordſhips Proſperity; having this Comfort in my preſent Diſtreſs, that your Lordſhips are my Judges at this Tribunal: And yet a greater Comfort have I, that I am ſoon to appear before a Greater, where I can't deſpair of finding Mercy and Forgiveneſs for all my Sins.

I beg God Almighty's Pardon for them: I have already ask'd his Majeſty's, and I do it now; And I do humbly beg leave, once more, and perhaps the laſt Occaſion that ever I ſhall have, to deſire that your Grace, this noble Houſe, and the honourable Commons of *Great Britain*, who are now here, would intercede with his Majeſty for me.

I take my Leave of your Lordſhips,
And wiſh you all Happineſs

Lord High-Steward. Does your Lordſhip offer any thing in Arreſt of Judgment?

Lord Carnwath. No, my Lords.

Lord High-Steward. Lord *Kenmure*, what have you to ſay for your ſelf why Judgment ſhould not paſs upon you according to Law?

Lord Kenmure. MY Lords, I am truly ſenſible of my Crime, and want Words to expreſs my Repentance. God knows I never had any perſonal Prejudice againſt his Majeſty, nor was I ever acceſſary to any previous Deſign againſt him. I humbly beg my noble Peers and the honourable Houſe of Commons to intercede with the King for Mercy to me, that I may live to ſhow my ſelf the dutifulleſt of his Subjects, and to be the Means to keep my Wife and Four ſmall Children from ſtarving; the Thoughts of which, with my Crime, makes me the moſt unfortunate of all Gentlemen.

Lord High-Steward. My Lord, your Voice not being heard to this End of the Court, I would know whether in what you have ſaid you have offered any thing in Arreſt of Judgment.

Lord Kenmure. No, my Lords.

Lord High-Steward. Lord *Nairn*, what have you to ſay for your ſelf why Judgment ſhould not paſs upon you according to Law?

Lord Nairn. I Am very ſenſible how unfit I am to plead my own Cauſe before your Grace (my Lord High-Steward) and this Auguſt Aſſembly; and therefore, tho' I could ſay much to extenuate the Crime for which I ſtand Impeached, yet I chuſe rather to lay my whole Streſs upon the King's Mercy, for which he is ſo renowned, and which I was put in hopes of at the time of my Surrender. In Conſideration whereof, and in Compaſſion to an afflicted Wife and Twelve Children, I ſtill hope, by the Mediation of your Grace, my noble Lords, and the honourable Houſe of Commons, I may obtain it; ſolemnly proteſting, that in Gratitude for ſo ſignal a Deliverance, I will, to the End of my Life, remain a dutiful and obedient Subject to His moſt Gracious and Sacred Majeſty King *George*.

Lord High-Steward. My Lord, for greater Certainty, I ask your Lordſhip whether you have offered any thing in Arreſt of Judgment.

Lord Nairn. No; my Lords.

Serjeant at Arms. O Yes, O Yes, O Yes! Our Sovereign Lord the King, ſtrictly charges and commands all manner of Perſons to keep Silence upon Pain of Impriſonment.

Lord High-Steward. J*ames* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, *William* Lord *Nairn*,

You ſtand Impeached, by the Commons of *Great Britain* in Parliament aſſembled, of High Treaſon, in Traiterouſly imagining, and compaſſing the Death of his moſt Sacred Majeſty, and in conſpiring for that end to levy a bloody and deſtructive War againſt his Majeſty, in order to Depoſe and Murder him; and in levying War accordingly, and proclaiming a Pretender to his Crown to be King of theſe Realms.

Which Impeachment, though one of your Lordſhips, in the Introduction to his Plea, ſuppoſes to be out of the ordinary and common Courſe of the Law and Juſtice, is yet as much a Courſe of Proceeding according to the Common Law, as any other whatſoever.

If you had been Indicted, the Indictment muſt have been removed and brought before the Houſe of Lords (the Parliament ſitting). In that caſe you had ('tis true) been accuſed only by the Grand Jury of one County; in the preſent, the whole Body of the Commons of *Great Britain*, by their Repreſentatives, are your Accuſers.

And this Circumſtance is very obſervable (to exclude all poſſible Suppoſition of Hardſhip as to the Method of proceeding againſt you), That however all great Aſſemblies amongſt us are apt to differ on other Points, You were Impeached by the unanimous Opinion of the Houſe of Commons (not one contradicting).

They found themſelves, it ſeems, ſo much concern'd in the Preſervation of His moſt truly Sacred Majeſty, and the Proteſtant Succeſſion (the very Life and Soul of theſe Kingdoms) that they could not omit the firſt Opportunity of taking their proper part, in order to ſo ſignal and neceſſary an Act of his Majeſty's Juſtice.

And thus the whole Body Politick of this free Kingdom has in a manner roſe up in its own Defence, for the Puniſhment of thoſe Crimes, which, 'twas rightly apprehended, had a direct Tendency to the everlaſting Diſſolution of it.

To this Impeachment you have ſeverally pleaded, and acknowledged your ſelves Guilty of the High-Treaſon therein contain'd.

Your Pleas are accompanied with ſome variety of Matter, to mitigate your Offences, and to obtain Mercy.

Part of which; as ſome of the Circumſtances ſaid to have attended your Surrender, (ſeeming to be offer'd rather as Arguments only for Mercy, than any thing in Mitigation of your preceding Guilt) is not proper for me to take Notice of.

But as to the other part which is meant to extenuate the Crimes of which you are convicted, it is fit I ſhould take this Occaſion to make ſome Obſervations to your Lordſhips upon it; To the end that the Judgment to be given againſt you may clearly appear to be Juſt and Righteous, as well as Legal; and that you may not remain under any fatal Error in reſpect of a greater Judicature, by reflecting with leſs Horror and Remorſe on the Guilt you have contracted than it really deſerves.

It is alledg'd by ſome of your Lordſhips, that you engaged in this Rebellion without previous Concert or Deliberation, and without ſuitable Preparations of Men, Horſes and Arms.

If this ſhould be ſuppoſed true, on ſome of your Lordſhips averring it; I deſire you to conſider, that as it exempts you from the Circumſtance of contriving this Treaſon, ſo it very much aggravates your Guilt in that part you have undoubtedly born in the Execution of it.

For it ſhows, That your Inclinations to Rebel were ſo well known (which could only be from a continued Series of your Words and Actions) that the Contrivers of that Horrid Deſign depended upon you, and therein judg'd rightly: That your Zeal to engage in this Treaſon was ſo ſtrong, as to carry you into it on the leaſt Warning, and the very firſt Invitation: That you would not excuſe your ſelves by want of Preparation, as you might have done; And that rather than not have a ſhare in the Rebellion, you would plunge your ſelves into it, almoſt naked and unprovided for ſuch an Enterprize: In ſhort, That your Men, Horſes, and Arms were not ſo well prepared, as they might, and would have been on longer Warning; but your Minds were.

It is alledg'd alſo as an Extenuation of your Crime, that no cruel or harſh Action (I ſuppoſe is meant no Rapine or Plunder, or worſe) has been committed by you.

This may, in part only, be true. But then your Lordſhips will at the ſame time conſider, that the laying waſte a Tract of Land bears but a little proportion in point of Guilt, compared with that Crime of which you ſtand convicted; an

open Attempt to deſtroy the beſt of Kings, to ruin the whole Fabrick, and raze the very Foundations of a Government, the beſt ſuited of any in the World, to perfect the Happineſs, and ſupport the Dignity of Human Nature: The former Offence cauſes but a Miſchief, that is ſoon recover'd, and is uſually pretty much confin'd; the latter, had it ſucceeded, muſt have brought a laſting and univerſal Deſtruction on the whole Kingdom.

Beſides, much of this was owing to Accident; your March was ſo haſty, partly to avoid the King's Troops, and partly from a vain Hope to ſtir up Inſurrections in all the Counties you paſſed through, that you had not time to ſpread Devaſtation, without deviating from your main, and, as I have obſerv'd, much worſe Deſign.

Farther. 'Tis very ſurprizing that any concern'd in this Rebellion ſhould lay their ingaging in it on the Government's doing a neceſſary, and uſual Act in like caſes, for its Preſervation; the giving Orders to confine ſuch as were moſt likely to join in that Treaſon: 'Tis hard to believe that any one ſhould Rebel, merely to avoid being reſtrain'd from Rebelling; or that a gentle Confinement would not much better have ſuited a crazy State of Health, than the Fatigues and Inconveniencies of ſuch long and haſty Marches in the depth of Winter.

Your Lordſhips riſing in Arms therefore, has much more juſtify'd the Prudence and Fitneſs of thoſe Orders, than thoſe Orders will in any wiſe ſerve to mitigate your Treaſon. Alas! happy had it been for all your Lordſhips had you fallen under ſo indulgent a Reſtraint!

When your Lordſhips ſhall in good earneſt apply your ſelves to think impartially on your Caſe, ſurely you will not your ſelves believe, that 'tis poſſible, in the nature of the thing, to be engaged, and continue ſo long engaged, in ſuch a difficult and laborious Enterprize, through Raſhneſs, Surprize, or Inadvertency: Or that, had the Attack at *Preſton* been leſs ſudden, (and conſequently the Rebels better prepared to receive it) your Lordſhips had been reduced the ſooner, and with leſs, if not without any Bloodſhed.

No, my Lords; theſe, and ſuch like, are artful Colourings proceeding from Minds fill'd with Expectation of continuing in this World, and not from ſuch as are preparing for their Defence before a Tribunal, where the Thoughts of the Heart, and the true Springs and Cauſes of Actions, muſt be laid open.

And now, my Lords, having thus removed ſome falſe Colours you have uſed; To aſſiſt you yet farther in that neceſſary Work of thinking on your great Offence as you ought, I proceed to touch upon ſeveral Circumſtances that ſeem greatly to aggravate your Crime, and which will deſerve your moſt ſerious Conſideration.

The Divine Virtues ('tis one of your Lordſhips own Epithets) which all the World as well as your Lordſhips acknowledge to be in His Majeſty, and which you now lay claim to, ought certainly to have with-held your Hands from endeavouring to depoſe, to deſtroy, to murder that moſt Excellent Prince; ſo the Impeachment ſpeaks, and ſo the Law conſtrues your Actions; and this is not only true in the Notion of Law, but almoſt always ſo in Deed and Reality: 'Tis a trite, but very true Remark, That there are but few Hours between Kings being reduced under the Power of Pretenders to their Crown, and their Graves. Had you ſucceeded, His Majeſty's Caſe would, I fear, have hardly been an Exception to that general Rule, ſince 'tis highly improbable, that Flight ſhould have ſaved any of that Illuſtrious and Valiant Family.

'Tis a farther Aggravation of your Crime, that his Majeſty, whom your Lordſhips would have Dethron'd, affected not the Crown by Force, or by the Arts of Ambition, but ſucceeded peaceably and legally to it; and on the Deceaſe of her late Majeſty without Iſſue, became undoubtedly the next in courſe of Deſcent capable of ſucceeding to the Crown, by the Law and Conſtitution of this Kingdom; as it ſtood declared ſome Years before the Crown was expreſly limited to the Houſe of *Hanover*. This Right was acknowledg'd, and the Deſcent of the Crown limited or confirmed accordingly, by the whole Legiſlature in two

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ſucceſſive Reigns; and more than once in the later, which your Lordſhips Accomplices are very far from allowing, would biaſs the Nation to that ſide.

How could it then enter into the heart of Men, to think that private Perſons might with a good Conſcience endeavour to ſubvert ſuch a Settlement, by running to tumultuary Arms; and by intoxicating the dreggs of the People, with contradictory Opinions, and groundleſs Slanders; or that God's Providence would ever proſper ſuch wicked, ſuch ruinous Attempts?

Eſpecially if in the next place it be conſider'd, that the moſt fertile Inventions on the ſide of the Rebellion, have not been able to aſſign the leaſt ſhadow of a Grievance as the Cauſe of it: To ſuch poor Shifts have they been reduced on this Head, that for want of better Colours, it has been objected, in a ſolemn manner, by your Lordſhips Aſſociates, to his Majeſty's Government; That his People do not enjoy the fruits of Peace as our Neighbours have done ſince the laſt War: Thus they firſt rob us of our Peace, and then upbraid us that we have it not. 'Tis a Monſtrous Rebellion that can find no fault with the Government it Invades, but what is the Effect of the Rebellion it ſelf.

Your Lordſhips will likewiſe do well to conſider what an additional Burthen your Treaſon has made neceſſary on the People of this Kingdom; who wanted, and were about to enjoy ſome Reſpite: To this end, 'tis well known, that all new, or encreaſe of Taxes, were the laſt Year carefully avoided, and his Majeſty was contented to have no more Forces than were juſt ſufficient to attend his Perſon, and ſhut the Gates of a few Garriſons.

But what his Majeſty thus did for the Eaſe and Quiet of his People, you moſt ungratefully turn'd to his Diſadvantage, by taking Encouragement from thence, to endanger his and his Kingdoms Safety, and to bring Oppreſſion on your Fellow-Subjects.

Your Lordſhips obſerve I avoid expatiating on the Miſeries of a Civil War, a very large and copious Subject; I ſhall but barely ſuggeſt to you on that Head, that whatever thoſe Calamities may happen to be in the preſent caſe, All who are at any Time or in any Place Partakers in the Rebellion (eſpecially Perſons of Figure and Diſtinction) are in ſome degree reſponſible for 'em: and therefore your Lordſhips muſt not hold your ſelves quite clear from the Guilt of thoſe Barbarities which have been lately committed, by ſuch as are engaged in the ſame Treaſon with you, and not yet perfectly reduced, in burning the Habitations of their Countrymen, and thereby expoſing many Thouſands to Cold and Hunger in this rigorous Seaſon.

I muſt be ſo juſt to ſuch of your Lordſhips, as profeſs the Religion of the Church of *Rome*, that you had one Temptation, and that a great one, to engage you in this Treaſon, which the others had not; in that 'twas evident, Succeſs on your part muſt for ever have eſtabliſh'd Popery in this Kingdom, and that probably you could never have again ſo fair an Opportunity.

But then, good God! how muſt thoſe Proteſtants be cover'd with Confuſion, who enter'd into the ſame Meaſures, without ſo much as capitulating for their Religion (that ever I could find from any Examination I have ſeen or heard) or ſo much as requiring, much leſs obtaining a frail Promiſe, that it ſhould be Preſerv'd, or even Tolerated.

It is my Duty to exhort your Lordſhips thus, to think of the Aggravations as well as the Mitigations (if there be any) of your Offences; and if I could have the leaſt Hopes, that the Prejudices of Habit and Education would not be too ſtrong for the moſt Earneſt and Charitable Entreaties; I would beg you not to rely any longer on thoſe Directors of your Conſciences, by whoſe Conduct you have, very probably, been led into this miſerable Condition; but that your Lordſhips would be aſſiſted by ſome of thoſe Pious and Learned Divines of the Church of *England*, who have conſtantly bore that infallible Mark of ſincere Chriſtians, Univerſal Charity.

And now, my Lords, nothing remains, but that I pronounce upon you, (and ſorry I am that it falls to my Lot to do it) that terrible Sentence

tence of the Law, which muſt be the ſame that is uſually given againſt the meaneſt Offender in the like Kind

The moſt ignominious and painful Parts of it are uſually remitted by the Grace of the Crown to Perſons of your Quality; but the Law in this Caſe being deaf to all Diſtinctions of Perſons, requires I ſhould Pronounce, and accordingly it is adjudg'd by this Court,

'That you, *James* Earl of *Derwentwater*, *William* Lord *Widdrington*, *William* Earl of *Nithiſdale*, *Robert* Earl of *Carnwath*, *William* Viſcount *Kenmure*, and *William* Lord *Nairn*, and every of you, return to the Priſon of the *Tower* from whence you came; from thence you muſt be drawn to the Place of Execution; when you come there, you muſt be hang'd by the Neck, but not till you be Dead; for you muſt be cut down alive, then your Bowels muſt be taken out, and burnt before your Faces; Then your Heads muſt be ſever'd from your Bodies, and your Bodies divided each into four Quarters; and theſe muſt be at the King's diſpoſal.

And God Almighty be Merciful to your Souls!

Serjeant at Arms. O Yes! Our Sovereign Lord the King ſtrictly Charges and Commands all manner of Perſons to keep Silence, upon Pain of Impriſonment.

Then the Lord High Steward ſtood up uncover'd, and declaring there was nothing more to be done by Vertue of the preſent Commiſſion, broke the Staff, and pronounced it diſſolv'd: And then leaving the Chair, came down to the Wooll-Pack, and ſaid, Is it your Lordſhips Pleaſure to Adjourn to the Houſe of Lords?

Lords. Ay, ay.

And then the Houſe Adjourn'd to the Houſe Above, and the Lords and others returned in the ſame Order they came down.

FINIS.